UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,786	12/05/2003	Daniel S. Rokusek	IS01182TC	2285

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EXAMINER
MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/729,786	ROKUSEK ET AL.
	Examiner	Art Unit
	Muthuswamy G. Manoharan	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 September 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3 and 5-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3 and 5-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 9/19/2006 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with applicant's assertion on Page 11 of the remarks, "Holmes does not have a handset that is in communication with wireless phone via WPAN". Holmes does have a handset (item 110 in Figure 5) that is in connection with wireless phone (item 127 in Figure 5; Col. 6, lines 57-65) via WPAN ("Bluetooth-enabled device", Col. 6, line 59). Items 110 and 127 are both Bluetooth enabled devices and therefore, the handset could communicate with wireless phone via WPAN.

Examiner respectfully disagrees with applicant's assertion on Page 11 of the remarks, "Thus nowhere does Holmes teach or suggest or make obvious initiating a communications session, wherein communications session spans from the handset to a remote communication device using a WPAN communications link, and out from the remote communications device using a cellular link". Holmes teaches a wireless telephone (Col. 6, lines 57-65) that can communicate with the handset (item 110 in Figure 5) to remote communication device using a WPAN communications link (items 112 and 127 are Bluetooth enabled), and out from the remote communications device using a cellular link (since the remote communications device is a Bluetooth enabled wireless phone, it can communicate with the other cellular communication devices).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-3, 7-12, and 16-18 rejected under 35 U.S.C. 103(a) as being

unpatentable over Holmes et al. (hereinafter Holmes) (US 6,636,749) in view of

Lilja et al. (hereinafter Lilja) (US 5,991,640).

Regarding **claim 1,** Holmes teaches a method, comprising: providing a handset

(item 110 in Figure 2) coupled to interface with a docking station (item 104 in Figure 2),

wherein the docking station is integrated within a vehicle ("coupling with a vehicle",

Abstract); initiating a communications session, wherein the communications session spans from the handset to a remote communications device (item 127 in Figure 5; Col. 6, lines 57-60) using a WPAN communications link (Blue tooth module 106 in Figure 2; Col. 6, line 61), and out from the remote communications device using a cellular link (item 127 in Figure 6; Col. 6, lines 60-65); the remote communication device translating between the WPAN communications link and the cellular link (item 127 in Figure 6; Col. 6, lines 57-65); if the handset is in the docked condition, the handset routing an audio component through the docking station (item 106 in Figure 1; Col. 8, lines 18-33); and if the handset is in the undocked condition, the handset routing the audio component through the handset (item 106 in Figure 5; Col. 8, lines 59-65; also the handset is able to communicate through the remote communication device 127).

Holmes fails to teach the handset determining one of a docked condition and an undocked condition. However, Lilja teaches in an analogous art, the handset determining one of a docked condition and an undocked condition (Col. 3, lines 17-21). Therefore, it would be obvious to one of ordinary skill in the art at the time invention to have the handset determining one of a docked condition and an undocked condition. With this modification Holmes could initiate a communication through the docking station if the handset is in the docked condition (to get superior quality compared to the wireless phone alone, since the hands-free car kit takes advantage of the vehicles pre-existing audio or stereo systems, speakers) and through the handset if the handset is in the undocked condition (to get privacy; US 7099706). Further, this modification makes

the system very user friendly by reducing the number of operations to be performed by the operator of the vehicle.

Regarding **claim 2**, Holmes in view of Lilja teaches all the particulars of the claim 1. Holmes further teaches wherein the WPAN communications link utilizes a Bluetooth communications protocol (Col. 6, lines 25-27).

Regarding **claim 3**, Holmes in view of Lilja teaches all the particulars of the claim 1. Holmes further teaches the handset discovering and coupling to the remote communications device (item 127 in Figure 5) using the, WPAN communications (item 106 in Figure 5, Col. 6, lines 57-62) link.

Regarding **claim 7,** Holmes in view of Lilja teaches all the particulars of the claim 1. Holmes further teaches, initiating the communications session using a human interface element on the handset (Col. 4, lines 41-47).

Regarding **claim 8**, Holmes in view of Lilja teaches all the particulars of the claim 1. Holmes further teaches, initiating the communications session using the handset (Col. 4, lines 41-47).

Regarding **claim 9,** Holmes in view of Lilja teaches all the particulars of the claim 1. Holmes further teaches, initiating the communications session comprises the handset receiving a communication session request from the remote communications device (Col. 4, lines 41-47).

Regarding **claim 10,** Holmes teaches a handset (item 110 in Figure 2) coupled to interface with a docking station integrated within a vehicle, comprising a computer-readable medium containing computer instructions for instructing a processor to

perform a method of controlling a communications session, the instructions comprising

(Col. 3, lines 46-65): initiating the communications session, wherein the

communications session spans from the handset to a remote communications device

using a WPAN communications link (Bluetooth module 106 in Figure 5; item 127 is a

Bluetooth device, Col. 6, lines 60-65) and out from the remote communications device

using a cellular link (Col. 6, lines 60-65); the remote communication device translating

between the WPAN communications link and the cellular link (item 127 in Figure 6;

Col. 6, lines 57-65); if the handset is in the docked condition, the handset routing an

audio component through the docking station (item 106 in Figure 1, Col. 8, lines 18-

33); and if the handset is in the undocked condition, the handset routing the audio

component through the handset (item 106 in Figure 5; Col. 8, lines 59-62).

Holmes fails to teach the handset determining one of a docked condition and an

undocked condition. However, Lilja teaches in an analogous art, the handset

determining one of a docked condition and an undocked condition (Col. 3, lines 17-21).

Therefore, it would be obvious to one of ordinary skill in the art at the time invention to

have the handset determining one of a docked condition and an undocked condition.

This modification makes the system very user friendly by reducing the number of

operations to be performed by the operator of the vehicle.

Regarding **claim 11**, Holmes in view of Lilja teaches all the particulars of the

claim 10. Holmes further teaches wherein the WPAN communications link utilizes a

Bluetooth communications protocol (Col. 6, lines 25-27).

Regarding **claim 12**, Holmes in view of Lilja teaches all the particulars of the

claim 10. Holmes further teaches the handset discovering and coupling to the remote

communications device (item 127 in Figure 5) using the, WPAN communications (item

106 in Figure 5, Col. 6, lines 57-62) link.

Regarding **claim 16**, Holmes in view of Lilja teaches all the particulars of the

claim 10. Holmes further teaches, initiating the communications session using a human

interface element on the handset (Col. 4, lines 41-47).

Regarding **claim 17**, Holmes in view of Lilja teaches all the particulars of the

claim 10. Holmes further teaches, initiating the communications session using the

handset (Col. 4, lines 41-47).

Regarding **claim 18,** Holmes in view of Lilja teaches all the particulars of the

claim 10. Holmes further teaches, initiating the communications session comprises the

handset receiving a communications session request from the remote communications

device (Col. 4, lines 41-47).

Claims 5,6,14 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holmes in view of Lilja and further in view of Huh et al.

(hereinafter Huh) (US 2003/0008680).

Regarding **claim 5**, Holmes in view of Lilja teaches all the particulars of the claim

1. Neither Holmes nor Lilja teaches the handset is in the docked condition, initiating the

communications session via voice recognition algorithm in one of the docking station

and the handset. However, Huh teaches the handset is in the docked condition,

initiating the communications session via voice recognition algorithm in one of the

docking station and the handset (Abstract, lines 15-18; Paragraph [0055], lines 23-26).

Therefore, it would have been further obvious to one of ordinary skill in the art at the

time of invention to have the process of initiating the communications session via voice

recognition algorithm in one of the docking station and the handset. This modification

makes the handset a truly hands-free car kit and also provides a user-friendly access to

the handset.

Regarding **claim 6,** Holmes in view of Lilja teaches all the particulars of the claim

1. Neither Holmes nor Lilja teaches the handset is in the docked condition, one of the

docking station and the handset executing a noise reduction algorithm during the

communications session. However, Huh teaches the handset is in the docked condition,

one of the docking station and the handset executing a noise reduction algorithm during

the communications session (Paragraph [0014], lines 5-10, Paragraph [0072], lines 42-

47). Therefore, it would have been further obvious to one of ordinary skill in the art at

the time of invention to have the handset is in the docked condition, one of the docking

station and the handset executing a noise reduction algorithm during the

communications session. This modification improves the quality of the audio signals.

Regarding **claim 14**, Holmes in view of Lilja teaches all the particulars of the

claim 10. Neither Holmes nor Lilja teaches the handset is in the docked condition,

initiating the communications session via voice recognition algorithm in one of the

docking station and the handset. However, Huh teaches the handset is in the docked

condition, initiating the communications session via voice recognition algorithm in one of

the docking station and the handset (Abstract, lines 15-18; Paragraph [0055], lines 23-

26). This modification makes the handset a truly hands-free car kit and also provides a user-friendly access to the handset.

Regarding **claim 15,** Holmes in view of Lilja teaches all the particulars of the claim 10. Neither Holmes nor Lilja teaches the handset is in the docked condition, one of the docking station and the handset executing a noise reduction algorithm during the communications session. However, Huh teaches the handset is in the docked condition, one of the docking station and the handset executing a noise reduction algorithm during the communications session (Paragraph [0014], lines 5-10, Paragraph [0072], lines 42-47). This modification improves the quality of the audio signals.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eng George can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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